

REMARKS

This paper responds to the non-final action dated October 2, 2009, in which (i) claims 1-13, 17-22, and 27-29 were rejected, (ii) claims 14-16 were found allowable in substance, and (iii) claims 30-32 were allowed.

I. Summary of Claim Amendments

No claims have been cancelled or added by the foregoing amendments, leaving claims 1-22 and 27-32 pending. Of those, claims 1-22 and 27-29 are at issue.

Each of the independent claims 1, 11, and 18 has been amended to specify that a frame is configured to support a measuring platform, as well as a damper assembly (claim 1), a resistance device (claim 11), or a piston and cylinder assembly (claim 18). No new matter has been added by the foregoing amendments, as support can be found, for example, in paragraph [0044].

II. Responses to Claim Rejections

Claims 1-13, 17-22, and 27-29 stand rejected under 35 U.S.C. §102(b) or §103(a) based on Karp U.S. Patent No. 2,565,431 alone or in view of one of the following references:

Hayashi U.S. Patent No. 4,848,495 (“Hayashi”);

Van Berkel U.S. Patent No. 1,457,328 (“Van Berkel”);

Chatillon U.S. Patent No. 1,889,948 (“Chatillon”); and

Bengtsson U.S. Patent No. 2,610,845 (“Bengtsson”).

Reconsideration and withdrawal are respectfully requested, as the applicants respectfully submit that each of the independent claims 1, 11, and 18, as amended, specifies one or more limitations neither taught nor suggested by the cited art. The applicants accordingly traverse the §102(b) and §103(a) rejections on at least the following grounds.

The independent claims, as amended, require a frame configured to support both a measuring platform as well as a damper assembly or other device or assembly configured to resist oscillation or movement during or after a measurement.

The applicants respectfully submit that each of the cited references fails to disclose or suggest a frame configured to support a measuring platform and a damper assembly or other device or assembly configured to resist oscillation or movement as claimed.

Karp describes a scale having an upper main casting or frame 128 that acts as a support for a rotatable chart and a vertical reciprocal rack that operates the chart (col. 3, lines 52-61), as well as front and rear halves 178 and 180 of a casing for the rotatable chart (col. 5, lines 47-49). Please see also col. 7, lines 30-33 (“indicating means comprising a dial, a chart, and a pointer, one of which indicating elements is mounted stationarily in the upper casting”). The frame 128 thus provides support to several elements related to indicating the results of a measurement.

The frame 128 of Karp, in contrast, does not support a pan 498 and a dashpot 598. These elements are instead supported by a basal casting 2, as shown in Figure 3. The basal casting 2 acts as a base for the scale, as best shown in Figure 12 (col. 3, lines 64-69).

The applicants respectfully submit that the secondary references fail to cure these deficiencies of Karp.

Hayashi describes a measuring device with a base frame 12 and a damper 20, but the base frame does not support the damper. Please see, for example, Figure 1.

Berkel describes a weighing apparatus with a dash pot but without a frame, let alone as claimed.

Chatillon describes a scale with a frame having bars 10-14, but the frame bars do not support the platform, the scale pan, or other components of the scale.

Bengtsson describes a weighing scale with two frame plates 1 and 2, to one of which a dashpot 36 is apparently fastened as shown in Figure 2. However, Bengtsson describes dashpot 36 as “fastened to the inside of the housing 4 by means of screws 37” (col. 2, lines 50-54). Nonetheless, the frame plates are not described as supportive of a scale platform, which is not shown (col. 2, line 19).

Based on the foregoing, it is respectfully submitted that the cited references fail to disclose or suggest a scale with a frame that supports both a measuring platform as well as a damper assembly or other device or assembly configured to resist oscillation or movement during or after a measurement as recited in the independent claims. It follows that claims 1-13, 17-22, and 27-29 are neither anticipated nor rendered obviousness by the cited references.

III. Conclusion

For the foregoing reasons, it is submitted that all pending claims are in condition for

allowance, and an indication to that effect is solicited. Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, the examiner is invited to telephone the undersigned at the number below.

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Respectfully submitted,

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